

## **Durham City and County Official Rezoning Protest Petition**

**NOTE:**

- This protest petition form must be used to qualify a rezoning protest under NC General Statute 160A-385 and 386 for the City, and similar special legislation for the County.
- It must be filed with the City Clerk or County Clerk at least four workdays prior to the date established for the governing body's public hearing on the proposed rezoning, to allow sufficient time to determine the sufficiency of the petition. (This excludes Saturdays, Sundays and holidays taken by either jurisdiction, and typically means the protest petition must be filed with the appropriate Clerk by close of work on Monday of week 1 before hearing on Monday of week 2.)
- Initial zoning of newly annexed land cannot be protested.

Zoning districts applicable to individual properties may be proposed for amendment by the filing of a rezoning petition. Similarly, significant amendment of development plans approved as part of a rezoning change may also be proposed. In accordance with state statutes and/or special legislation, when a valid protest petition against such a change is filed, such change shall not become effective except by favorable vote of three-fourths of all members of the governing body. (This means 4 of 5 County Commissioners, or 6 of 7 Council Members.)

A protest petition is valid if it is signed

- by the owners of 20% or more of the area of the lots included in the proposed change, OR
- by owners of 20% or more of the area of lots immediately adjacent either in the rear or on either side of the proposed change, extending 100' therefrom, OR
- by owners of 20% or more of the area of lots directly opposite of the proposed change extending 100' from the street frontage of the opposite lots.
- The petition must be signed by all persons having an ownership interest in the property, as represented by the signatures on the property deed – i.e., both spouses, the managing partner of a partnership, etc.

Removal of signatures from this petition after it is filed requires a notarized statement signed by all owners of a property as indicated on the protest petition.

Rezoning case protested by the attached petition: \_\_\_\_\_  
(Case #, Applicant)

Filed by: \_\_\_\_\_  
(Name) (Phone)

\_\_\_\_\_  
(Address)

Date: \_\_\_\_\_ **Zoning Case#:** \_\_\_\_\_

Date: \_\_\_\_\_ **Zoning Case#:** \_\_\_\_\_

We, the undersigned property owners, hereby **protest** the proposed rezoning from \_\_\_\_\_ zone(s) to \_\_\_\_\_ zone(s) or proposed change in Development Plan for the rezoning case identified above, applicant name \_\_\_\_\_, and proposed for public hearing before the City Council/Board of County Commissioners on \_\_\_\_\_ (date).

[illegible]

